

Order

Michigan Supreme Court
Lansing, Michigan

January 30, 2012

Robert P. Young, Jr.,
Chief Justice

143758

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143758
COA: 304761
Saginaw CC: 07-030034-FH

BILLIE RAY LACKEY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 10, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Saginaw Circuit Court for a determination whether the defendant received good-time credit from the county sheriff under MCL 51.282(2) when he was incarcerated in 2009. If the trial court determines that the defendant was awarded good-time credit, the court shall amend the judgment of sentence by crediting the defendant's sentence with the number of good-time days he was awarded, and forward a copy of the amended judgment of sentence to the Department of Corrections. See *People v Milbank*, 471 Mich 910 (2004), and *People v Resler*, 210 Mich App 24 (1995). The court shall also determine whether the defendant was awarded credit for "trustee days," and whether his sentence should be credited for those days as well. In all other respects, leave to appeal is denied, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 30, 2012

Corbin R. Davis

Clerk